

**City of Miami Beach - City Commission Meeting
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
June 19, 2002**

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Mayor David Dermer
Vice-Mayor Saul Gross
Commissioner Matti Herrera Bower
Commissioner Simon Cruz
Commissioner Luis R. Garcia, Jr.
Commissioner Jose Smith
Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez
City Attorney Murray H. Dubbin
City Clerk Robert E. Parcher

Meeting called to order at 9:26:14 a.m.

Inspirational message given by Rabbi Solomon Schiff of the Rabbinical Association of Greater Miami.

Pledge of Allegiance led by Chief Don De Lucca.

PA - Presentations and Awards

- PA1 Certificate Of Appreciation To Be Presented To Glenda Whipple, Police Department, In Recognition Of The "At Your Service Award" For The Month Of May 2002.
(City Manager's Office)
(Deferred From May 29, 2002)

ACTION: Deferred.

- PA2 Certificates Of Completion To Be Presented To Miami Beach Residents Who Participated In The Miami Beach Neighborhood Leadership Academy.
(City Manager's Office)

ACTION: Certificates presented.

Jorge Gonzalez, City Manager, stated that one of the goals of the Neighborhood Services Department was to create an aggressive outreach program to the community and to our residents. One of the efforts is the Neighborhood Leadership Academy. Today we are recognizing the first graduating class of the Academy. The Academy is a way for the Administration to bring City government to the residents.

Graduates:

Jo Asmundsson, Danielle Atanasova, Richard Wolfe, Kaiphus Jamil Raheem Cox, Faye Goldin, Sid Goldin, Milt Montalvo Benita Argos, Yolanda Ramos, Frank Kruszewski, Carol Rosasco, Lynne Rogers, Ray Breslin, Jeff Donnelly, Greg Anderson, Valerie Schwank-Hasbani, Paul Hoffman and Nicholas Martinez.

Nicholas Martinez is a nine-year-old student. He attended the classes with his mother and was presented with a special award at the Commission meeting.

Mr. Sidney Goldin stated that participating in the Neighborhood Leadership Academy has been an excellent experience. By participating in the Citizen's Police Academy, he gained a lot of respect for the Police Department team as policemen and as individuals. This City has one of the finest groups of managerial employees that he has had the pleasure of witnessing. The whole community knows Bob Parcher, Christina Cuervo, Mayra Diaz Buttacavoli, Robert Middaugh, Ronnie Singer, Michael Aller and Trish Walker. There is also the supportive staff with Vivian Guzman, Lisa Liotta, Max Sklar, Jorge Gomez, Tom Mooney, Mercy Lamazares and April Hirsch. He also mentioned the Building Department, Code Compliance, CIP, Parks, Sanitation and Parking. He was impressed with the scope of the work being done by Public Works, Fred Beckmann and Bruce Henderson.

PA3 Certificates Of Appreciation To Be Presented To The Mayor's Blue Ribbon Task Force On Tourism Members.

(Requested By Mayor David Dermer)

ACTION: Certificates presented.

Abbatechio, Jeff	Loews Hotel
Abramson, Roger	Cultural Arts Council
Abromowitz, Shelly	South Beach Stone Crab
Blumberg, Stuart	Greater Miami & Beaches Hotel Assoc.
Bondi, Luis	Antique And Collectible Market
Collati, Sergio	Carlton Hotel
Garcia Jorge	Miami Beach Chamber
Goldman, Jessica	Goldman Properties
Gongora, Michael	Miami Beach Latin Chamber Of Commerce
Hamilton, Clay	Sunpost
Hass, Steve	China Grill Management
Howard, Elsie	Visitors & Convention Authority
Jones, Roman	Opium Garden
Kelsey, David	South Beach Hotel & Restaurant Association
Kennedy, Kathleen	Winter Haven Hotel
Knight, Gary	Dade Human Rights Foundation
Kostecky, James	Tides Hotel-General Manager
Leff, Cathy	FIU/Wolfsonian
Lehman, Jeff	National & Palms Hotel
Llerandi, Ada	Ritz Plaza
Lopez, Liliam	South Beach Latin Chambers
Muss, Melanie	Fountainebleau Hotel
Pallant, Joe	South Beach Villas
Peebles, Don	Peebles Atlantic Corp.
Polansky, Linda	Clay Hotel
Rickman, Peter	The International Law Group/Journalist
Scasserra, Martin	The Abbey Hotel
Talbert, Bill	GMCVB
Todak, Robert	Delano Hotel
Trainer, Richard	Twist
Velasquez, Orlando	Holiday Inn
Wallack, David	Mango's Café/Ocean Drive
White, Dawn	American Airlines
Zablotny, Carl	Wire Magazine
Zemo, Dona	Miami Beach Chamber Of Commerce

PA4 Proclamation To Be Presented To Victor E. Leong, Master Sandcastle Artist, For His Unique Talent Which Enhances The Image Of Miami Beach.

(Requested By Mayor David Dermer)

ACTION: Proclamation presented.

- PA5 The Orange Bowl Committee Will Make A Presentation Thanking The Mayor And Commission, For Providing Additional Event Funding.
(Requested By Mayor David Dermer)

ACTION: Item withdrawn.

- PA6 Certificate Of Appreciation To Be Presented To Erin Cohen, A Student Of Ransom Everglades Middle School, For Her Work And Ideas On A Recycling Program For The City Of Miami Beach.
(Requested By Vice-Mayor Saul Gross)

ACTION: Item Deferred.

- PA7 Certificate Of Appreciation To Be Presented To Gerri Helfman, NBC-6/WTJV News Anchor Woman, For Her Assistance In Narrating The Capital Improvement Program Video.
(Capital Improvement Projects)

ACTION: Item Deferred.

- PA8 Certificates Of Appreciation To Be Presented To Martha Velasquez And Javier Socorro, For Volunteering At The Police Athletic League And For Their Superior Achievements At Miami Beach Sr. High School.
(Requested By Mayor David Dermer)

ACTION: Certificates presented.

- PA9 Proclamation To Be Presented To Lou Sanchez, For Retiring After Nine Years Of Outstanding Service As Head Baseball Coach At Miami Beach Sr. High School.
(Requested By Commissioner Luis R. Garcia, Jr.)

ACTION: Proclamation presented.

New Item:

PA10 Certificates of Appreciation To Be Presented To All The Volunteers That Participated In The Memorial Day Weekend Goodwill Ambassadors.

ACTION: Certificates presented.

Mayor Dermer recognized and thanked all the volunteers that participated on the Goodwill Ambassador team during the Memorial Day Weekend for a job well done. He thanked Dr. Larry Capp from the Miami-Dade County Community Relations Board and Reverend Willie Sims. He thanked Jorge Gonzalez, City Manager, and Christina Cuervo, Assistant City Manager, and the Administration for a job well done.

Jorge Gonzalez, City Manager, stated that the City now has a Major Events Plan in place that handles most the major event holidays. A critical element of the Plan is the volunteers. He explained the role of the volunteers in the Goodwill Ambassador program. He recognized Police Captain Veski, Lt. Dan Reed and Officer Jerome Berrian.

Dr. Larry Capp and Reverend Willie E. Sims. Jr. spoke.

Captain Veski thanked the God Squad and the Goodwill Ambassadors Team.

New Item: All American City Award

Vice-Mayor Gross explained the purpose of the trip to Kansas City for the All American City Award. He stated that Commissioners Garcia, Steinberg and himself had the privilege of participating on the team competing for the All American City Award. He commended all the members of the City's delegation made up of both City staff and residents. He recognized Nannette Rodriguez, Ramiro Inganzo, Alex Diaz and Judy Hoanshelt. He also commended Jorge Gonzalez, City Manager, for coordinating the trip.

Commissioner Garcia thanked Robert Middaugh, Assistant City Manager.

Jorge Gonzalez, City Manager, stated that he was very pleased with the presentation made in Kansas City. Unfortunately Miami Beach was not one of the ten cities selected; however, the City of Miami Beach was one of the thirty finalists out of several thousand communities throughout the country who participated in these activities and added that he is interested in participating again.

CONSENT AGENDA

ACTION: Motion made by Commissioner Bower to approve the Consent Agenda; seconded by Commissioner Smith; Voice vote: 7-0.

10:28:17 a.m.

ADDENDUM:

Motion made by Commissioner Bower to add item R9F as an emergency item for possible Commission Action, by a 5/7 vote; seconded by Commissioner Steinberg; Voice vote: 7-0.

3:07:17 p.m.

ADDENDUM:

During Agenda Item R9B(1) motion was made by Commissioner Bower to add item R7I (extend the hours of operation for clubs during the 4th of July holiday) as an emergency item by a 5/7 vote; seconded by Commissioner Steinberg; Voice vote: 6-0; Absent: Commissioner Garcia.

C2 - Competitive Bid Reports

C2A Request For Approval To Award A Contract To The Lowest And Best Bidder, Buade Construction Company, Inc., In The Amount Of \$140,000, Pursuant To Bid No. 30-01/02 For The Repair/ Replacement Of The West Side Sidewalk At The Miami Beach Convention Center.
(Convention Center)

ACTION: Contract awarded. Gus Lopez to issue purchase order. Doug Tober to handle.

C2B Request For Approval To Reject All Bids Received Pursuant To Bid No. 06-01/02, For The Replacement Of Dimmer, Lighting Controls, And General Construction/Electrical Work For The Installation Of Interior And Exterior Signage At The Miami Beach Convention Center & TOPA.
(Convention Center)

ACTION: Bids rejected. Gus Lopez to notify bidders. Gus Lopez and Doug Tober to re-issue the bid.

C4 - Commission Committee Assignments**10:30:11 a.m.**

C4A Referral To The Planning Board - An Ordinance Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Subdivision III, "RM-PRD Multifamily, Planned Development District," Section 142-185, Clarifying The Average Unit Size For New Construction Is A Minimum Of 1,000 Square Feet.

(Requested By Commissioner Luis R. Garcia, Jr.)

ACTION: Item separated for discussion by Commissioner Bower.

Commissioner Bower asked if this item should be referred to the Land Use and Development Committee to see if this Commission is in favor of this request.

Commissioner Garcia stated that he placed this item on the agenda because it was explained to him that this action was to correct some of the language in the ordinance. He stated that he has no problem with referring it to the Land Use and Development Committee.

Commissioner Bower asked if this action affects only the Fisher Island parcels.

Jorge Gomez, Planning Director, stated that it only affects Fisher Island parcels.

Commissioner Smith objected to Section 8 of the ordinance.

Jorge Gomez, Planning Director, explained the purpose of the Section 8 and the need for the ordinance.

Item referred to the Land Use and Development Committee. Motion made by Commissioner Bower to refer the item to the Land Use and Development Committee; seconded by Vice-Mayor Gross; Voice vote: 7-0. Jorge Gomez to place on Committee agenda and to handle.

C6 - Commission Committee Reports

- C6A Report Of The G.O. Bond Oversight Committee Meeting Of June 3, 2002: **1)** Project Status Report; **2)** Informational Items: a. Updated Calendar Of Scheduled Community Design Workshops; b. North Shore ROW Improvements Community Design Workshop #1 Report; c. South Pointe/City Center RDA Additional Funds For Flamingo/Lummus; d. Marseille Drive Bid Award; e. Fire Station #4 Waiver Of Development Regulations; And **3)** Change Order Report.

ACTION: Written report submitted.

The Committee was informed that a Notice to Proceed was issued for the Normandy Isle Pool Project. The Contractor, which is Regosa Engineering, will begin demolition of the old pool.

The Administration informed the Committee that Biscayne Point Neighborhood Improvements would have a kickoff meeting with Corradino Group this month. The Community Design Workshop would be held within 60 to 90 days.

The Administration informed the Committee that a follow-up meeting with residents and the Neighborhood Association for the Normandy Isle and Normandie Sud Neighborhood Improvements will be held on Tuesday, June 11, 2002.

Change Orders:

The Committee passed a motion to recommend that the Change Order approvals that relate to the North Shore Youth Center should be distinguished from other change orders in the North Shore Park and Youth Center Project. The Administration would not bring Change Orders to them for approval, unless additional funds are needed. The Administration will continue to report on all Change Orders.

C7 - Resolutions**10:44:34 a.m.**

C7A A Resolution Authorizing The City Manager Or His Designee To Submit A Grant Application To The Metropolitan Planning Organization, For Funding Under The Fiscal Year 2003 Municipal Grant Program, In An Amount Not To Exceed \$45,000, To Be Matched With An Amount Not To Exceed \$30,000 In Concurrency Mitigation Program Funds, For A Total Project Cost Of \$75,000, To Be Used For The 16th Street Corridor Master Plan Study; Further Appropriating The Grant If Approved And Accepted By The City; And Authorizing The Mayor And City Clerk To Execute All Necessary Documents Related To This Application.

(Grants Management)

ACTION: Item separated for discussion by Vice-Mayor Gross. Resolution No. 2002-24907 adopted as amended. Motion made by Commissioner Smith to approve the resolution, subject to the City having discretion on how to use the funds; seconded by Commissioner Cruz; Voice vote: 7-0. Mayra Diaz Buttacavoli and Joseph Johnson to research and submit the grant if the criteria is met. If awarded, Patricia Walker to appropriate the funds and Joseph Johnson to handle.

Vice-Mayor Gross is not in favor of doing anything that will increase the traffic on 16th Street and asked if the Administration has a policy for traffic flow on 16th Street.

Robert Middaugh, Assistant City Manager, stated that the purpose of this grant is to address how the road is to function and look.

Commissioner Bower asked if parking is being removed.

Jorge Gonzalez, City Manager, explained that this request is authorization to seek a grant. The grant will fund the study to develop the plan for 16th Street. As part of the direction to the City's consultant, there should be no net loss of parking. **Joseph Johnson to handle.**

Vice-Mayor Gross stated that this grant is applying for money that is specifically for collector roads that the City will be forced to recognize 16 Street as a collector road.

C7B A Resolution Supporting The Indian Creek Bridge Renovation Project, A Component Of The City's 41st Street Beautification Project Phase II, And The Reduction Of Travel Lanes From Twelve To Eleven Feet On The Indian Creek Bridge; Incorporating The Said Footage, Along With Additional Footage Gained From Striped Areas Between The Travel Lanes And Sidewalks, Into The Extension Of The Bridge Sidewalks, From Five Feet To Twelve Feet; As A Condition From The Florida Department Of Transportation, Which Has Jurisdiction Over The 41st Street Right-Of-Way, Including But Not Limited To The Indian Creek Bridge, To Approve The Entire Phase II Construction Documents And To Issue A Construction Permit To The City, Allowing The City To Commence With A Formal Bid And Award Of The Construction Portion Of The Project.

(Capital Improvement Projects)

ACTION: Resolution No. 2002-24908 adopted. Tim Hemstreet to handle.

10:51:44 a.m.

C7C A Resolution Authorizing The Administration To Issue A Request For Qualifications (RFQ) For Design And Construction Administration Services Needed To Complete The Flamingo Park And Property Management Yard Improvement Project With Funding Provided By The Serious 2000 General Obligation Bond.

(Capital Improvement Projects)

ACTION: Item separated for discussion by Vice-Mayor Gross. Resolution No. 2002-24886 adopted. Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 6-1; Opposed: Vice-Mayor Gross. Gus Lopez to issue RFQ. Tim Hemstreet to handle.

Vice-Mayor Gross asked if the maintenance yard could move to another location rather than at the Flamingo Park.

Jorge Gonzalez, City Manager, stated that different options have been explored and no viable alternative has been found.

Commissioner Garcia stated that perhaps the facility could be moved to the mainland, maybe to the FEC property.

C7D A Resolution Electing Commissioner Richard L. Steinberg As Vice-Mayor For A Term Commencing On July 1, 2002, And Terminating On October 31, 2002, Or On Such Date When A New Vice-Mayor Is Thereafter Elected.

(City Clerk's Office)

ACTION: Resolution No. 2002-24887 adopted. Robert Parcher to handle.

10:37:29 a.m.

C7E Reappointment Of Chief Special Master.

- 1) A Resolution Accepting The Recommendation Of The Miami Beach City Manager Concerning Appointment Of Judge Robert Newman To Serve As Chief Special Master, Commencing June 30, 2002, And Ending December 30, 2002, Or Until A Successor Has Been Appointed, Who Shall Be Authorized To Hold Hearings And Impose Fines, Liens And Other Non-Criminal Penalties Against Violators Of City Codes And Ordinances, And Shall Also Be Authorized To Appoint Such Other Special Masters As May Reasonably Be Required To Conduct The Subject Hearings; Incorporating All Other Matters Set Forth Within City Of Miami Beach Resolution No. 98-22777 Concerning The Compensation And Duties Of The Chief Special Master.
- 2) A Resolution Accepting The Recommendation Of The City Manager Concerning The Appointment Of Judge Robert Newman To Serve As Chief Special Master Commencing June 30, 2002, And Ending December 30, 2002, Or Until A Successor Has Been Appointed, Who Shall Be Authorized To Hold Administrative Hearings Regarding Appeals From Citations For Violations Of Miami Beach City Code Chapters And Regarding Denials, Suspensions, And Revocations Of Occupational Licenses And Certificates Of Use, And To Appoint Such Other Special Masters As May Reasonably Be Required To Conduct Such Hearings Pursuant To City Ordinances.

(City Clerk's Office)

ACTION: Item separated for discussion by Commissioner Garcia.**#1. Resolution No. 2002-24888 adopted.** Motion made by Commissioner Garcia; seconded by Commissioner Bower; Voice vote: 7-0. Robert Parcher to handle.**#2. Resolution No. 2002-24889 adopted.** Robert Parcher to handle.

Commissioner Garcia stated that he separated this item not because of Judge Newman's qualifications but because of the large dollar fines coming before the City Commission for settlements. One of Judge Newman's responsibilities is to appoint special masters. Some of these fines are ridiculous. The fines in some cases appear to be unreasonable. The Administration is trying to accomplish compliance.

Vice-Mayor Gross stated that the Neighborhoods Committee has been studying this issue. The Committee is trying to institute caps on the fines so that the fine does not exceed a percentage of the value of the property.

Jorge Gonzalez, City Manager, stated that the Administration is addressing this in two ways:
1) to place a reasonable limit on the fine accumulation; and
2) to develop a matrix which will give policy guidance to the staff to assist in fair and equitable fine settlement mitigation. **Robert Middaugh to handle.**

Commissioner Smith stated that the cause of the problem is the lack compliance.

Commissioner Garcia stated that fines imposed by the special masters need to be consistent.
R. Parcher to speak with Judge Newman. Vivian Guzman to handle.

10:59:40 a.m.**1:22:16 p.m.**

- C7F A Resolution Passing And Adopting An Amendment To The Interlocal Cooperation Agreement By And Between The City Of Miami Beach And Metropolitan Dade County, Dated November 16, 1993; Said Amendment Confirms The Delegation Of Powers From Miami-Dade County To The City Of Miami Beach, And In Turn To The Miami Beach Redevelopment Agency, To Implement Amendments To The City Center Historic Convention Village Redevelopment And Revitalization Area Plan.
(Economic Development)

ACTION: Mr. Frank Del Vecchio requested that this item be heard after RDA 3A and R7A.

Resolution No. 2002-24890 adopted. Motion made by Commissioner Steinberg; seconded by Commissioner Smith; Voice vote: 6-1; Opposed: Commissioner Bower. Christina Cuervo to handle.

City Clerk's Note: Copy of Interlocal Cooperation Agreement approved on November 16, 1993 as per Ordinance No. 317-93.

- C7G A Resolution Appropriating \$278,753 From The General Fund Undesignated Fund Balance For The Construction Expansion Of The City's Planning And Building Departments On The 2nd Floor Of City Hall, In Accordance With Business Resolution Task Force Recommendations; And For The Construction Of The Miami Beach Employees Federal Credit Union Office At The City-Owned Property Located At 1701 Meridian Avenue (A/K/A 777 - 17 Street), Miami Beach, Florida.
(Economic Development)

ACTION: Resolution No. 2002-24891 adopted. Patricia Walker to appropriate the funds. Christina Cuervo to handle.

Handout or Reference Material:

Memorandum from Jorge M. Gonzalez, City Manager, dated June 18, 2002, RE: City Hall, Second Floor Renovation to Mayor Dermer and the City Commission.

- C7H A Resolution Setting A Public Hearing On July 10, 2002, To Hear Public Comment Regarding A Proposed Second Amended And Restatement Lease Agreement With Miami Beach Watersports Center, Inc., For The Continued Use Of City-Owned Property Located At 6500 Indian Creek Drive, Miami Beach, Florida, As A Rowing Facility; Further To Consider Waiver, By 5/7ths Vote, Of The Competitive Bidding And Appraisal Requirements; As Required By Section 82-39 Of The Miami Beach City Code.
(Economic Development)

ACTION: Resolution No. 2002-24892 adopted. Public hearing scheduled for July 10, 2002. R. Parcher to notice. Lilia Cardillo to place on the agenda. Christina Cuervo to handle.

- C7I A Resolution Approving The Second Of Three One (1) Year Renewal Options To The Concession Agreement With Gold Star Parking Systems, Inc. For Valet Parking Services For The Miami Beach Convention Center And Jackie Gleason Theater Of The Performing Arts, And Other City Property, As Required; Said Second One Year Option Commencing On September 15, 2002, And Expiring On September 14, 2003.
(Parking Department)

ACTION: Resolution No. 2002-24893 adopted. Saul Frances to handle.

10:58:42 a.m.

- C7J A Resolution Setting A Public Hearing To Consider A Proposed Amendment To The Land Development Regulations Of The Code Of The City Of Miami Beach, Florida, Amending Chapter 142 "Zoning Districts And Regulations," Division 2, "RS-1, RS-2, RS-3, RS-4 Single-Family Residential District"; Section 142-105 "Development Regulations And Requirements," By Including Lot Coverage And Structure Size Requirements; Section 142-106 "Setback Requirements For Single-Family Detached Dwelling" By Modifying Setback Requirements; Division 4, "Supplementary Yard Regulations"; Section 142-1132 "Allowable Encroachments," By Modifying The Regulations For Accessory Buildings In Single Family Districts; Division 5, "Height Regulations," Section 142-1161 "Height Regulations Exceptions," By Clarifying Exceptions In Single-Family Districts.
(Planning Department)

ACTION: Item separated by Jorge Gonzalez, City Manager, who recommended changing the Public Hearing from a Special Commission meeting scheduled for July 16 to July 10, 2002 which is a scheduled City Commission meeting.

Resolution No. 2002-24894 adopted as amended. R. Parcher to notice. Lilia Cardillo to place on the agenda. Jorge Gomez to handle.

- C7K A Resolution Adopting The Third Amendment To The Police Confiscation Trust Fund Budget For Fiscal Year 2001/02, In The Amount Of \$233,800 To Be Funded From The Proceeds Of State (\$216,800) And Federal-Justice (\$17,000) Confiscated Funds.
(Police Department)

ACTION: Resolution No. 2002-24895 adopted. Chief Don De Lucca to handle.

- C7L A Resolution Approving A Federal Equitable Sharing Agreement With The United States Department Of The Treasury, And Authorizing The Mayor And The City Clerk To Execute The Agreement.
(Police Department)

ACTION: Resolution No. 2002-24896 adopted. Chief Don De Lucca to handle.

11:03:23 a.m.

C7M A Resolution Setting A Public Hearing For July 10, 2002, To Hear Public Comment Regarding The Appropriation Of \$600,000 In Congestion Mitigation And Air Quality (CMAQ) Funds, As Required By 49 U.S. Code, Chapter 53; These Funds Were Allocated In Fiscal Year 2001-02 For Operating Purposes Of The Electrowave Shuttle Service; The City Proposes To Utilize \$300,000 Of These Funds Retroactively In 2001-02, And The \$300,000 Balance In 2002-03; The Required Twenty Percent Local Match Being Amply Provided By The City Contribution To The Annual Electrowave Operating Budget.

(Public Works)

ACTION: Resolution No. 2002-24897 adopted. Public hearing scheduled for July 10, 2002. R. Parcher to notice. Lilia Cardillo to place on the agenda. Fred Beckmann to handle.

David Kelsey signed up to speak on this item and spoke.

C7N A Resolution Waiving By 5/7ths Vote, The Formal Competitive Bidding Requirements And Authorizing The City Manager To Execute An Agreement With Grubbs Emergency Services, Inc. For Disaster Planning And Recovery Services, Finding Such Waiver To Be In The Best Interest Of The City.

(Public Works)

ACTION: Resolution No. 2002-24898 adopted. Fred Beckmann to handle.

End of Consent Agenda

REGULAR AGENDA

R5 - Ordinances

4:41:56 p.m.

R5A An Ordinance Amending Chapter 30 Of The Miami Beach City Code Entitled "Code Enforcement " To Provide For The Enforcement Of County Codes; Providing For A Repealer; Severability; Codification And Effective Date. **11:00 A.M. Second Reading, Public Hearing.**

(Neighborhood Services)

(First Reading On May 29, 2002)

ACTION: Public Hearing held. **Ordinance Number 2002-3371 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Smith; Ballot vote: 6-0; Absent: Vice-Mayor Gross. R. Parcher to transmit to Municipal Code Corporation. Vivian Guzman to handle.

Handout or reference materials:

1. Notice of Ad in Miami Herald

4:40:57 p.m.

- R5B An Ordinance Amending Miami Beach City Code Chapter 2, Entitled "Administration," Creating Code Section 2-315 Entitled "Surplus Stock--Transfer, Sale, Auction, Exchange, Trade And Donation"; Providing For Repealer Including Repeal Of Code Section 2-342 Entitled "Surplus Stock"; Providing For Severability; Codification; And Effective Date. **11:05 A.M. Second Reading, Public Hearing**
(City Attorney's Office)
(First Reading On May 29, 2002)

ACTION: Public Hearing held. **Ordinance Number 2002-3372 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Ballot vote: 6-0; Absent: Vice-Mayor Gross. R. Parcher to transmit to Municipal Code Corporation.

Handout or reference materials:

1. Notice of Ad in Miami Herald

4:39:13 p.m.

- R5C An Ordinance Amending Ordinance No. 789, The Classified Employees' Salary Ordinance Of The City Of Miami Beach, Florida, Providing For The Group V Classifications, Those Being The Classifications Covered By The Government Supervisors Association Of Florida (GSA), Local 100, In Accordance With The Negotiated Agreement; Retroactively Increasing The Minimum And The Maximum Of The Salary Ranges By 4% And Increasing The Salary Of Each Employee By 4% From The First Pay Period Ending In October 2001 And Increasing The Minimum And The Maximum Of The Salary Ranges By 4%, And Increasing The Salary Of Each Employee By 4% To Be Applied As Of The First Pay Period Ending In October 2002; Amending The Salary Ranges Of The Classifications Specified In The Negotiated Agreement; Providing For A Repealer, Severability, Codification, And Effective Dates. **11:10 A.M. Second Reading, Public Hearing.**
(Human Resources)
(First Reading On May 29, 2002)

ACTION: Public Hearing held. **Ordinance Number 2002-3373 adopted.** Motion made by Commissioner Garcia; seconded by Commissioner Bower; Ballot vote: 6-0; Absent: Vice-Mayor Gross. R. Parcher to transmit to Municipal Code Corporation. T.C. Adderly to handle.

Handout or reference materials:

1. Notice of Ad in Miami Herald

4:11:11 p.m.

R5D

Procedures For Demolition Of Single Family Homes Without Permits

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 2, "Single Family Residential Districts," By Amending Section 142-105 To Establish Procedures And Regulations For New Construction On Properties Where Single Family Homes Were Demolished Without Required Permits; By Amending Chapter 118, "Administration And Review Procedures", Article VI, "Design Review Procedures", By Amending Section 118-252 To Expand The Review Authority Of The Design Review Board; Providing For Repealer, Codification, Severability And An Effective Date. **2:30 P.M. First Reading, Public Hearing.**

(Planning Department)

ACTION: Public Hearing held. **Ordinance approved on First Reading as amended.**

City Clerk's Note: Legal Department handed out two Amendments to the ordinance at the meeting
Amendments - See City Clerk's office for a copy of the amendments.

- 1: 142-105(d)(7) (a)
2. 142-105(d)(7)(e)

Motion made by Commissioner Bower to adopt on first reading with amendments; seconded by Vice-Mayor Gross; Ballot vote: 7-0. Second Reading and Second Public Hearing scheduled for July 10, 2002. R. Parcher to notice. Lilia Cardillo to place on the Commission agenda. Jorge Gomez to handle.

Commissioner Smith asked regarding Section 142-105(d)(7)(a) who is going to determine if it is an "unintended fire."

Murray Dubbin stated that the Fire Department has jurisdiction.

Amendments:

1. Amendments submitted by the City Attorney
 - a) revised 142-105(d)(7)(a)
 - b) revised 142-105(d)(7)(e)
2. Section 142-105(d)(7)(a) - Remove "unintended fire"
3. Section 142-105(d)(7)(d) - change "may" to "shall"
4. Murray Dubbin stated that some type of objective criteria for the DRB needs to be added.
5. Multiple lots can combine and build one big home.

Commissioner Bower asked for an update on what has happened with the house that was demolished without the proper permits. **Jorge Gomez will update the Commission at the next meeting or via an LTC.**

Handout or reference materials

1. Amendments to Agenda Item R5D requested by Vice-Mayor Gross - submitted by Murray Dubbin, City Attorney.

5:32:04 p.m.

R5E An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, Florida, By Amending Chapter 142, "Zoning Districts And Regulations," By Amending Article III, "Overlay Districts," By Adding Division 5, "West Avenue Bay Front Overlay," Section 142-842, "Location And Purpose," Section 142-843, "Compliance With Regulations," Section 142-844, "Residential Office Overlay Area," Section 142-845, "Suites Hotel And Bed And Breakfast Inn Overlay Area," Section 142-846, "Off-Street Parking Regulations"; Providing For Inclusion In The Code Of The City Of Miami Beach, Florida; Repealer; Severability; And An Effective Date.

5:05 P.M. Second Reading, Public Hearing.

(Planning Department)
(First Reading On May 8, 2002)

ACTION: Public Hearing held. **Ordinance No. 2002-3374 adopted as amended.** Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code Corporation. Jorge Gomez to handle.

Motion made by Commissioner Bower to open and continue the item and refer to the Planning Board; seconded by Commissioner Steinberg. No vote taken.

Discussion continued.

Amendments:

Vice-Mayor Gross recommended changing:

- 1) Section 142-843 (d)(2) - Deletion of language allowing a second rooftop addition to multi-family structures (last sentence).
- 2) (d)(3) - Deletion of language allowing a second rooftop addition to single- family structures (second sentence).
- 3) Section 142-846 (g)(1) - Deletion of language limiting the height of buffer hedges (last sentence).

Commissioner Bower withdrew her motion to refer to the Planning Board and moved the ordinance as amended.

Handout or reference materials:

1. Notice of Ad in Miami Herald
2. Color Map of the West Avenue Bay Front District with color and black and white pictures
3. 8 1/2 x 14 copies of color models (Existing Structures, Potential Development, Scenario A, B, C and D)

5:02:44 p.m.

R5F An Ordinance Amending Chapter 2 Of The Code Of The City Of Miami Beach, Entitled "Administration", By Amending Article VII Thereof, Entitled "Standards Of Conduct", By Amending Division 4, Entitled "Procurement", By Amending Section 2-486, Entitled "Cone Of Silence"; Said Amendment, In Part, Extending The Prohibitions On Oral Communications On All Request For Proposals (RFP's), Request For Qualifications (RFQ's), And Invitation For Bids (BIDS), Between The Mayor And City Commissioners And Their Respective Staff And Any Potential Vendor, Service Provider, Bidder, Lobbyist, Or Consultant; Providing For Additional Exceptions Relative To Oral Communications; Providing Further For Repealer, Severability, And An Effective Date. **First Reading.**

(City Attorney's Office)

ACTION: Ordinance approved on First Reading as amended. Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Ballot vote: 5-2; Opposed: Commissioners Cruz and Smith. Second Reading and Public Hearing scheduled for July 10, 2002. R. Parcher to notice. Lilia Cardillo to place on the Commission agenda. Mayra Diaz Buttacavoli to place on Committee agenda. Legal Department and Mayra Diaz Buttacavoli to handle.

Murray Dubbin requested to delete Sections (e) and (f) and the Legal Department will discuss with the Miami-Dade County Ethics Commission.

At the request of Commissioner Smith, Jean Olin, Deputy City Attorney, stated that Miami-Dade County adopted the ordinance; therefore, it binds all the municipalities in Miami-Dade County.

Motion made by Commissioner Steinberg to approve the ordinance on first reading with two amendments:

- 1) paragraph "F" to broaden it to include the City Manager, Chairperson or member.
- 2) apply that same language to conversations between the City Manager and the Commission, if the City Manager changes his decision, this should be disclosed.
- 3) refer to the Community Affairs Committee;

seconded by Commissioner Bower; Voice vote: 5-2; Opposed: Commissioners Cruz and Smith. Mayra Buttacavoli to place on the committee agenda. Legal to speak with Miami-Dade County Ethics Commission and refer to the Community Affairs Committee.

Commissioner Smith stated that he does not agree that the City of Miami Beach needs to endorse Miami-Dade County Cone of Silence.

R7 - Resolutions**1:22:55 p.m.**

R7A A Resolution Accepting The Recommendation Of The Miami Beach Redevelopment Agency And Approving And Adopting An Amendment To The City Center Historic Convention Village Redevelopment And Revitalization Area Plan, An Approved Redevelopment Plan Under The Provisions Of Section 163.360, Florida Statutes; Said Amendment Providing That The Plan Incorporate By Reference The Proposed Master Plan For The 17th Street Surface Lots, Prepared By Zyscovich, Inc., On September 21, 2001, And Revised On May 16, 2002. **Joint City Commission And Redevelopment Agency.**

(Economic Development)
(Deferred From May 29, 2002)

ACTION: Heard in conjunction with RDA item 3A. Resolution No. 2002-24899 adopted. Motion made by Vice-Mayor Gross; seconded by Commissioner Cruz; Voice vote: 6-1; Opposed: Commissioner Bower. Christina Cuervo to handle.

See action on item RDA 3 (The Master Plan amended by 1) Keep the Botanical Garden in its present location; and 2) Reaffirm the commitment to the new World Symphony.)

11:05:24 a.m.

R7B A Resolution Authorizing The Mayor And City Clerk To Execute A Lease Agreement Between The City Of Miami Beach And Roma Waxing, Inc., For Use Of Approximately 1350 Square Feet Of City-Owned Property Located At 777 17th Street, Miami Beach, Florida, For A Three Year Term, Commencing On December 1, 2002, And Ending On November 30, 2005; And Further Waive, By 5/7ths Vote, The Competitive Bidding Requirement; As Required By Section 82-39 Of The Miami Beach City Code, Finding Such Waiver To Be In The Best Interest Of The City. **10:30 A.M. Public Hearing.**

(Economic Development)
(Continued From May 29, 2002)

ACTION: Public Hearing held. Resolution No. 2002-24900 adopted. Motion made by Commissioner Bower; seconded by Commissioner Garcia; Voice vote: 7-0. Christina Cuervo to handle.

Handout or reference materials:

1. Notice of Ad in Miami Herald

4:50:29 p.m.

- R7C A Resolution Appropriating \$735,821 In Federal Transit Administration (FTA) Section 5309 Funds, Earmarked In Fiscal Year 1999-2000 For The Purchase Of Bus And Bus-Related Equipment For The Electrowave Shuttle Service; And Further Stating That The Required Twenty Percent Local Match Will Be Provided, Instead, By A Florida Department Of Transportation "Soft" Match, Utilizing State Toll Revenue Credits. **10:45 A.M. Public Hearing.**
(Public Works)

ACTION: Public Hearing held. Resolution No. 2002-24901 adopted. Motion made by Commissioner Cruz; seconded by Commissioner Bower; Voice vote: 7-0. Patricia Walker to appropriate the funds. Fred Beckmann to handle.

Jorge Gonzalez, City Manager, acknowledged the hard work of the staff in bringing \$735,000 towards the Electrowave from Federal dollars for operational purposes.

Handout or reference materials:

1. Notice of Ad in Miami Herald

5:32:28 p.m.

- R7D A Resolution Waiving Certain Land Development Regulations Applicable To The Fire Station No. 4 Project Site, Pursuant To Section 142-425(D) Of The Code Of The City Of Miami Beach, In Order To Allow An Encroachment Into The Required Setback Facing 69th Street, And Waive Eight (8) Spaces Of The Required Thirty (30) On-Site Parking Spaces For The Fire Station No. 4 General Obligation Bond Project. **2:00 P.M. Public Hearing.**
(Planning Department)

ACTION: Public Hearing held. Resolution No. 2002-24902 adopted. Motion made by Commissioner Garcia; seconded by Commissioner Bower; Voice vote: 6-1; Opposed: Vice-Mayor Gross. Jorge Gomez to handle.

Commissioner Steinberg, on the record, changed his vote of "no" to "yes."

Handout or reference materials:

1. Notice of Ad in Miami Herald

3:09:29 p.m.

R7E A Resolution Approving And Officially Adopting The Basis Of Design Report Defining And Describing Water And Sewer Bond, General Obligation Bond, Stormwater Bond And Section 108 Loan Funded Capital Improvements To Be Implemented In The Normandy Isle Neighborhood Improvement Project. (Capital Improvement Projects)

ACTION: Resolution No. 2002-24903 adopted as amended. Motion made by Commissioner Smith to approve the resolution with the Administration's amendment to include infill sidewalks on the north side of the street in the section of Bay Drive between Trouville Esplanade and Rue Granville; seconded by Commissioner Bower; Voice vote: 7-0. Tim Hemstreet to handle.

Mr. Fernando Alonzo and Aida Curtis with William Hatfield and Stoner, Inc., gave a Power Point presentation.

Tim Hemstreet stated that the Administration's recommendation is to have no infill sidewalk on Bay Dr. west of Trouville Esplanade up to Rue Granville.

Commissioners Smith, Bower, and Garcia stated that this is an issue of safety and should take precedence.

Motion Made by Commissioner Smith to have continuous sidewalks in this neighborhood; seconded by Commissioner Bower.

Discussion continued.

Commissioners Bower and Steinberg stated that if the City is spending moneys for sidewalks, it has to do what it can to make sure that the sidewalks are free from obstruction, not just cars, but vegetation. He requested the Administration to inspect after the construction is done, to make sure that there is a "usable" sidewalk. **Vivian Guzman to handle.**

Amendment:

To include infill sidewalks on the north side of the street in the section of Bay Drive between Trouville Esplanade and Rue Granville.

Handout or reference materials

1. Four (4) color pictures submitted by Margueritte Ramos-Herrera
2. A) Letter from Leoncio Fernandez to Mayor David Dermer, dated June 17, 2002, RE: Full support sidewalks for my neighborhood, Normandie Sud. B) Letter form the Normandie Sud Homeowners' Association to Mayor and City Commission, dated June 18, 2002, RE: GO Bond Improvements for the Normandie Sud Neighborhood and the inclusion of continuous sidewalks. C) Petitions
3. Speakers List
4. Bound book titled "Right-of-Way Infrastructure Improvement Program Normandy Isles Final Basis of Design" Report prepared by Williams, Hatfield & Stoner, dated May 15, 2002

10:27:35 a.m.

R7F A Resolution Accepting The Recommendation Of The Capital Improvement Projects Office And Finding And Declaring That An Emergency Situation Exists With Respect To The Water And Wastewater Pump Stations Upgrade (Project), And Waiving, By 5/7ths Vote, The Formal Competitive Bidding Requirements; Finding Such Waiver To Be In The Best Interest Of The City; And Authorizing The City Manager To Take Any And All Measures, Including The Retention Of A New Contractor, To Diligently And Timely Prosecute The Remaining Work On The Project; Further Authorizing The City Manager To Select, Negotiate, And Award Any And All Contracts, Purchase Orders And Change Orders, As Necessary, Relative To The Purchase Of All Necessary Goods And Services Necessary For The Prosecution And Completion Of The Remaining Work On The Project, Provided That Such Contracts, Purchase Orders, Change Orders, And Any Other Documents, Shall Be Substantially In Accordance With The Terms And Conditions Of The Current Construction Contract With Felix Equities, Inc. (Contractor), And Shall Not Exceed The Current Amount Appropriated By The City Commission For The Aforestated Project, Without Further Approval Of, And Ratification By, The Mayor And City Commission.

(Capital Improvement Projects)

ACTION: Item withdrawn.

5:24:24 p.m.

R7G A Resolution Approving The Second Of Three One (1) Year Renewal Options To The Agreement With Apcoa/Standard - VIP's Parking System To Supply Parking Cashiers/Attendants And Supervisors For The City's Parking System; Said Second One (1) Year Option Commencing On August 4, 2002, And Expiring On August 3, 2003; Further Approving An Amendment To Section Three Of The Agreement, Entitled "Compensation," Increasing The Hourly Fixed Fee By Five Percent (5%) For Parking Cashiers/Attendants And Supervisors.

(Parking Department)

ACTION: Resolution No. 2002-24904 adopted. Motion made by Commissioner Bower; seconded by Commissioner Garcia; Voice vote: 7-0. Saul Frances to handle.

Commissioner Steinberg asked how much the 5% increase (4% to the employees and 1% for payroll) will cost.

Saul Frances replied that it is \$57,000 for this year.

Commissioner Steinberg stated that this is a fixed rate contract. The Administration is recommending a 5% increase that is not required, even under the living-way ordinance, because it is an existing contract. The employees are the contractor's employees. He asked why the City is spending an extra \$57,000.

Jorge Gonzalez, City Manager, explained that these are quasi-employees who are working in City facilities. The objective is to increase their salaries gradually to meet the requirements of the living wage ordinance rather than wait until a new contract. It's not obligated. He stated that the increase is consistent with the cost-of-living increase given to City employees.

Vice-Mayor Gross stated that these employees are the cashiers who are typically the lowest paid individuals, who are the first and last individuals to handle customers and whose hourly rate is \$6.50 hour. This increase is in the best interest of the City.

4:42:59 p.m.

R7H A Resolution Approving A Settlement Agreement Between Landmark Development And The City Of Miami Beach For Fines Imposed On The Properties Located At 337 20th Street, 735 Collins Avenue,

727 Collins Avenue, And 635 Collins Avenue, Reducing Said Fines From \$24,703,669 To \$50,000 Plus Additional Amounts Owed To The City Totaling \$20,527.79, Plus Court Costs And Imposing A Requirement Of A One Year Probationary Period With Quarterly Property Inspections And Establishing A Fine Amount Of \$50,000 For Any Violations Of Code That Occur In The Probationary Period.

(City Manager's Office)
(Resolution And Agreement To Be Submitted)

ACTION: City Clerk's Note: The Agenda Item List shows this item as being withdrawn. At the beginning of the meeting Jorge Gonzalez, City Manager, stated that the item was deferred rather than withdrawn while negotiations continue.

Resolution No. 2002-24905 adopted as amended. Motion made by Commissioner Bower; seconded by Commissioner Cruz; Voice vote: 7-0. Robert Middaugh to handle.

Agreement Conditions:

The fines will be mitigated down to \$65,000 payable to the City now in one payment. The property owner will be on a probationary period for one year. During that one-year period there will be four inspections on a quarterly basis, undertaken by the Code Compliance Division. The property owner would agree to pay for the costs associated with doing those extra inspections. The price is \$500 per inspection [total cost \$2,000].

We acknowledge that there are three (3) property violations outstanding right now, two (2) building violations and (1) one fire violation that have been corrected or are in the process of securing permits that should have been issued at the time they were done. They are working through that now and their representative will have that done prior to the first quarterly inspection.

In the event that, at any of the inspection periods, there is a violation which is found and an order entered by the Special Master, there will be an additional fine or penalty levied by the City or by the Special Master of \$50,000 for each of the four quarters. There is \$200,000 on the table if they do not behave properly. If they do, they do not have to incur those penalties. To the extent that the penalty is levied and not paid properly, there is a \$1,000 a day additional penalty that accrues to the property. The penalties are secured by a \$50,000 letter-of-credit payable to the City on-demand, in the event of non-payment. The \$50,000 letter-of-credit, if drawn upon, is required to be renewed and is secured by a personal guarantee of Mr. Saland, the property owner, and Landmark Development Corporation.

There is also a security deposit taken and owned by the City of approximately \$3,000. It is acknowledged that this security deposit has been taken and will not be returned at the end of the lease period. It is not available to the property owner at the end of the lease. If there is any disagreement as to what constitute reasonable time to correct any violation, we have agreed that we have to give time to perform, that the Chief Special Master Robert Newman will be the arbitrator and we will proceed based on his direction.

The total of the \$65,000 embraces both the penalty as well as payment to the City for outstanding rents. They have already paid all the outstanding utility bills as well as \$13,000 payment attributable to their rent adjustment. These items already collected are not reflected in the agreement; also the foreclosure cost attributable to the City of \$1,700 is also paid.

Mayor Dermer asked Mr. Price to have his client give the special master a call to work out their differences.

Mr. Stanley Price, Esq.- 2500 First Union Financial Center stated: "We do accept those conditions, the additional conditions as explained here, and I assume those will be put in writing. We hope to put

this behind us and we will move forward and we will not see you in this context ever again."

Addendum (added to the Agenda via item R9B(1))

R7I A Resolution Increasing The Hours Of Operation and Allowing Sale of Alcoholic Beverages During the 4th of July Holiday.

ACTION: Resolution No. 2002-24906 adopted. Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Voice vote: 6-0; Absent: Commissioner Garcia. Vivian Guzman to handle.

Motion made by Commissioner Bower, with respect to the upcoming 4th of July Holiday, to extend the hours of operation for those clubs with existing City Occupational Licenses that have a 5:00 am liquor license to 7:00 am (on Friday, July 5, Saturday, July 6, and Sunday, July 7, 2002), and to be allowed to serve alcohol. Any club, which will remain open, must notify the Police Department and Code Compliance by letter by Monday, July 1. If there are any problems during the weekend, this action may be rescinded by the City Manager (clarified: club specific); seconded by Commissioner Steinberg; Voice vote: 6-0; Absent: Commissioner Garcia. Al Childress and Chief De Lucca to handle.

R9 - New Business and Commission Requests

R9A Board and Committee Appointments.
(City Clerk's Office)

Direct appointments made:

Community Development Advisory Committee:

Raul Saraff term expires 12/31/03 appointed by Mayor Dermer.

Golf Advisory Committee:

Michael Francis term expires 12/31/02 appointed by Commissioner Steinberg.

Parks and Recreational Facilities Board:

Spencer Eig term expires 12/31/03 appointed by Commissioner Smith.

Public Safety Advisory Committee:

Manuel Diaz, Jr. term expires 12/31/02 appointed by Commissioner Bower.

Transportation and Parking Committee:

Alberto Rodriguez term expires 12/31/02 appointed by Mayor Dermer.
Tamra Sheffman term expires 12/31/03 appointed by Commissioner Garcia.

R9A1 Board and Committee Appointments
City Commission Appointments made:

Design Review Board:

Ralph Choeff Registered Architect term expires 12/31/03 appointed by the City Commission.

Handout or Reference Material:

1. 2 sets of Ballots
2. Board and Committee application for Carlos Prio - Touzet

Visitor & Convention Authority:

Steven Hertz	At-large	term expires 12/31/03	appointed by the City Commission.
Leslie Siegel	At-large	term expires 12/31/03	appointed by the City Commission.
Wendy Hart	Hotel Industry	term expires 12/31/03	appointed by the City Commission.

Handout or Reference Material:

1. 1 Ballot for Hotel Industry
2. 1 Ballot for At-large
3. Letter to Mayor David and City Commission from Elsie Sterling Howard, Chair, Miami Beach VCA, dated June 24, 2002, RE: Jeff Abbaticchio.

South Point Advisory Board:

ACTION: Motion made by Commissioner Steinberg to re-appoint Howard Cohen, Catherine Colonnese, Joyce Bronson, Shareef Malnik, and Robert Christoph to the South Pointe Advisory Board; seconded by Commissioner Bower; no vote taken. See action below.

The Administration and Legal Department to research if the Board is required. Legal and Christina Cuervo to handle.

2:48:18 p.m.

R9B(1) Dr. Stanley Sutnick Citizen's Forum.

ACTION:

2:48:47 p.m.

Sidney Goldin commended Al Zamora and Joseph Johnson. He stated that he just met Ramiro Inguanzo, City Manager's Chief of Staff, and stated that there is a saying "silver, gold", but Ramiro is "platinum," a fine addition to the staff and support to the City Manager. Nannette Rodriguez, Maria Ruiz, Kevin Crowder, Joe Simmons, Alex Diaz, Herb Sosa and Judy Hoanshelt are all assets to the community. He credited the leadership of the City Commission and the City Manager. He stated that the City Manager has put together an excellent professional staff with some clear-cut objectives. One being courtesy: help the citizens of Miami Beach and two: take government out into the community.

He stated that the City Commission hired a great City Manager and to make sure he is treated with respect. Additionally, he presented Mayor Dermer with a gift from Kansas City's Truman Library, a blue apron with the words *"If you can't stand the heat, get out of the kitchen,"* by Harry Truman. He thanked the City Manager for the opportunity to participate in City government and recommended that the City continue to pursue the All American City designation.

2:54:55 p.m.

Steven Polisar, representative from the Nightlife Task Force, thanked the members of the City Manager's Office and the Police Department for the positive experience during the Memorial Day Weekend. He requested an extension of the hours for July 4th weekend on Thursday, Friday and Saturday. **See item R7I.**

3:00:28 p.m.

David Kelsey stated that he had sent a letter to the City Commission requesting a report from the Administration on the traffic impact from the Watson Island project. There is a massive amount of development in this island. There should be a real concern about the traffic impact on the MacArthur Causeway. The community needs to be informed as to what is going to happen. **Christina Cuervo to handle.**

Handout or Reference Material:

1. Speakers List

6:50 p.m.

R9B(2) Dr. Stanley Sutnick Citizen's Forum.

ACTION:

6:48:04 p.m.

Benita Argos spoke regarding reducing fines and believes this sends a negative message to the community. Commissioner Smith explained the reasons why these fines were reduced at the Commission meeting today. Commissioner Gross added that the ordinance on the fines is being amended to avoid this from happening in the future.

6:51:05 p.m.

Milton Montalvo spoke regarding government funding and he believes residents should take responsibility. He has heard that the Convention Center and the Jackie Gleason are not making any profits. Vice-Mayor Gross and Mayor Dermer reassured him that profits are showing. He thinks the City should bring in smaller conventions.

6:58:47 p.m.

Bea Kalstein stated that when she was handling receivables for the City, she found many errors in billing. The City needs to be careful with the people's money. She also stated that there are not enough agendas in the Commission Chamber.

5:50 p.m.

R9C Discussion Regarding The Municipal Mobility Plan.

(Requested By Commissioner Richard L. Steinberg)

(Deferred From May 29, 2002)

ACTION: Discussion held.

Joseph Johnson, Transportation & Concurrency Manager, gave a presentation.

Vice-Mayor Gross asked Robert Middaugh, Assistant City Manager, to give an update on the Concurrency Task Force.

Robert Middaugh, Assistant City Manager, stated that they are still missing five appointments for this task force.

Vice-Mayor Gross urged the Commission to make their appointments to the task force and requested the Administration schedule a meeting within a month. **Robert Middaugh to handle.**

Cross reference: See City Commission Workshop on this subject held on April 4, 2002.

6:07:38 p.m.

R9D Discussion Regarding Access Management Study (By FDOT) To Reduce Pedestrian/Vehicle Fatalities At The Intersection Of 51st Street And Collins Avenue, And Referral To The Community Affairs Committee - Request To Place A Plaque In Memory Of Mr. Lomars At The Aforementioned Intersection.

(Requested By Commissioner Luis R. Garcia, Jr.)

ACTION: Commissioner Garcia gave an oral overview. Commission Garcia, in February 2002, as a result of the traffic accident and fatality, requested again that the Florida Department of Transportation (FDOT) conduct a study to reduce the number of pedestrian and vehicle fatalities in this area.

Jorge Gonzalez, City Manager, stated that the Administration could have been handled this better and apologized by stating that it will be corrected.

Robert Middaugh, Assistant City Manager, spoke on the grant activities that have been taking place.

Joseph Johnson stated that the item went before the Mayor's Safety Committee.

Commissioner Garcia also requested to be kept abreast of these two items.

Part I:

Item referred (discussion regarding safety concerns on Mid-Beach from 46th - 59th Streets and Collins Avenue) by acclamation to the Transportation and Parking Committee. **Saul Frances to place on Committee agenda. Joseph Johnson to handle.**

Jorge Gonzalez, City Manager, stated that Commissioner Garcia will be invited to the Transportation and Parking Committee meeting, since he is so closely associated with this issue. **Saul Frances to handle.**

Part II:

Request to place a plaque in memory of Mr. Lomars referred, by acclamation, to the Community Affairs Committee. **Mayra Diaz Buttacavoli to place on the committee agenda.**

Handout or reference materials

1. Memorandum from Commissioner Garcia to Jorge Gonzalez, dated April 25, 2001, RE: Commission Meeting Agenda Item

City Clerk's Note:

1. Commissioner Garcia made a correction on page 372 of the Commission Agenda changing the date from 2002 to 2001.

11:06:01 a.m.

R9E Discussion Regarding Mount Sinai Medical Center.
(Requested By Mayor David Dermer)

ACTION: Discussion held.

Oral report given by Steven D. Sonenreich, President and Chief Executive Officer of Mount Sinai Medical Center and Miami Heart Institute.

10:28:51a.m.

ADDENDUM: (added as an emergency so the City Commission could take action if it is so desired)

6:16:12 p.m.

R9F Discussion Regarding A Resolution Calling For A Special Election To Be Held On Tuesday, September 10, 2002, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach An Advisory, Non-Binding Straw Ballot Question Regarding Limited Public Financing For City Commission Candidates.

(Requested By Commissioner Richard L. Steinberg)

ACTION: Discussion held.

Commissioners Bower and Cruz stated that the cost to the taxpayers needs to be disclosed to the public.

Motion made by Commissioner Steinberg to call for a Special Election as amended. Discussion continued and no second offered.

Commissioner Garcia stated that this should be sent to committee. Discussion continued.

Commissioner Steinberg withdrew his motion.

4:51:44 p.m.

R9G Discussion Regarding The General Policy Requiring \$5,000 Payment In Circumstances Where It Is A Benefit To The City And To The Resident To Make A Transfer Of City Owned Right-Of-Ways, Streets And Easements.

(Requested By Vice-Mayor Saul Gross)

ACTION: Discussion held. Motion made by Commissioner Bower to refer this item to the Land Use and Development Committee; seconded by Vice-Mayor Gross; Voice vote: 7-0. Jorge Gomez to place on the committee agenda.

Vice-Mayor Gross stated that this item was put on the Agenda because of the Biscayne Point area where there is an abandoned alley behind approximately 20 homes. The City has vacated portions of the right-of-way; however, not all of it. Mr. Avila is here to have the City vacate the alley behind his home. The City has a policy to charge a minimum of \$5,000 or the fair market value of the property. Mr. Avila wants the property vacated and at no cost.

Robert Middaugh, Assistant City Manager, spoke on this issue.

Mayor Dermer suggested that Mr. Frank Avila discuss his situation with the Administration to see if this is a unique circumstance.

Commissioner Bower stated that she would have put this item on the Commission Agenda but she was out-of-town. She stated that Mr. Frank Avila will be advised when the committee meeting will take place. **Jorge Gomez to notify Mr. Avila of the meeting.**

City Clerk's Note: Letter from Frank Avila dated April, 24, 2002

Reports and Informational Items

A. City Attorney's Status Report.

(City Attorney's Office)

ACTION: Written report submitted.

B Status Report On The Rehabilitation Project Of The Existing Building And The Addition To Fire Station No. 2.

(Capital Improvement Projects)

ACTION: Written report submitted.

C Status Report On The General Obligation Bond Funded Project For The Rehabilitation Of Fire Station No.

(Capital Improvement Projects)

ACTION: Written report submitted.

- D Informational Report To The Mayor And City Commission, On All Existing City Contracts For Renewal Or Extensions In The Next 180 Days, Which By Their Terms Or Pursuant To Change Orders Exceed \$25,000.

(Procurement)

ACTION: Written report submitted.

- E Public Hearings Before The Planning Board For The Regular Meeting Of May 28, 2002.
(Planning Department)

ACTION: Written report submitted.

End of Regular Agenda

**Miami Beach Redevelopment Agency
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
June 19, 2002**

Chairman of the Board David Dermer
Member of the Board Matti Herrera Bower
Member of the Board Simon Cruz
Member of the Board Luis R. Garcia, Jr.
Member of the Board Saul Gross
Member of the Board Jose Smith
Member of the Board Richard L. Steinberg

Executive Director Jorge M. Gonzalez
Assistant Director Christina M. Cuervo
Assistant Director Mayra Diaz Buttacavoli
General Counsel Murray H. Dubbin
Secretary Robert E. Parcher

AGENDA

1. ROLL CALL
2. OLD BUSINESS

- A Report Of The Itemized Revenues And Expenditures Of The Miami Beach Redevelopment Agency For The Month Of April 2002.

ACTION: Written report submitted.

3. NEW BUSINESS

11:17:00 a.m.

- A. A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency, Recommending To The Mayor And City Commission Of The City Of Miami Beach, Florida, An Amendment To The City Center Historic Convention Village Redevelopment And Revitalization Area Plan, An Approved Redevelopment Plan Under The Provisions Of Section 163.360, Florida Statutes; Providing That The Plan Incorporate By Reference The Proposed Master Plan For The 17th Street Surface Lots, Prepared By Zyscovich, Inc., On September 21, 2001, And Revised On May 16, 2002. **Joint City Commission And Redevelopment Agency - 10:00 A.M. Public Hearing.**

(Plan Submitted Under Separate Cover)

(Deferred From May 29, 2002)

ACTION: Public Hearing held. Heard in conjunction with Item R7A.

Resolution No. 424-2002 adopted. Master Plan amended. Motion made by Vice-Mayor Gross to approve the plan with the additional requirements of maintaining the Botanical Garden in the present location, and to reaffirm the commitment of the New World Symphony; seconded by Commissioner Cruz; Voice vote: 6-1; opposed by Commissioner Bower. Christina Cuervo to handle.

Jorge Gonzalez, City Manager, stated that this is the third element of the plan that was separated from the item on the last Commission Meeting Agenda. At the last meeting the Plan was amended to include community policing and to include to the extent legally possible the Business Assistance Program. The conceptual Plan prepared by Zyscovich, Inc. relative to the City Center was not approved. It was determined that the Plan for the City Center required the cost estimates to be submitted as part of the amendment. The cost estimates are submitted and can be found on page 212 of the Commission Agenda. What the Commission is being asked to do is amend the City Center Master Plan for the Redevelopment Agency. The Administration is not requesting approval of the New World Symphony (NWS) expansion, parking garages, or parks. This is simply stating that in the Master Plan should the Commission, in the future, wish to pursue any of these projects, that they are correctly referenced in the Program and therefore eligible for tax increment financing (TIF) dollars to the degree and extent the Commission wishes to use those dollars. It has been portrayed that the City is proposing a land give-away to the NWS, to do away with parking, and provide for a loss of hundreds of millions of dollars, etc. This item does nothing like that. The Plan is simply being amended. There are ongoing discussions between the City and the NWS to consider the site for the expansion of the Sound Space project. This Commission gave authorization to precede under two paths: 1) to proceed with discussions with the NWS about parameters of a lease and 2) engage the services of an architect to do Master Plan study of the entire City Center. Zyscovich, Inc. was hired to do the study. The study incorporates four key elements which and several minor element the Administration is concerned with: 1) The NWS Sound Space; 2) a parking garage adjacent to the NWS Sound Space; 3) a parking garage west of City Hall including the existing lot and the lot at the 777 building; and a major park just east of where the Sound Space is currently identified to be located. Commission approval of the amendment to the Plan today and subsequent approval by the Miami-Dade County Commission of the amendment authorizes the City, if it chooses, to use TIF funds in the future. This does not obligate the City Commission to use TIF funding nor to do the Plan. The cost estimates as provided on page 212 of the Agenda identifies a number of projects. Some are currently in the Plan and some which are new to the Plan totaling approximately \$140,000,000. All of the projects are not going to be done on the 17 Street site. One of the projects includes the parking structure in the Preferred lot or "P" lot of the Convention Center. It includes phase 2 of the Bass Museum expansion if the Commission

decides to proceed with the expansion. The Botanical Garden is also referenced. Each element in the Plan will come before the Commission separately. The Administration is not proposing anything other than preparing for some future decision.

Murray Dubbin stated that this is a plan. This is not a set of specifications. A planned garage can be moved from point A to point B at some future date and it does not require an amendment at a later date.

Commissioner Steinberg stated that the Plan has multiple options and incorporates the concept but does designate a specific option.

Jorge Gonzalez, City Manager, stated that this is correct.

Vice-Mayor Gross stated that several sources of funding are available such as Convention Development Tax funds, TIF funds, grant money, GO Bond money, and private investments. The City's General fund is not contemplated to be spent.

Mr. Bruce Davidson, Treasurer of the Miami Beach Garden Conservancy, and immediate past president stated he is here today to express the Conservancy's concern for the future of the Garden. He read a statement into the record. He requested the City commit to a location for the Garden.

Commissioner Cruz requested that the Commission make it definite to leave the Botanical Garden in its present location.

Commissioner Garcia stated that, the Commission must go on record that they are committed to keeping the Botanical Garden in its present or a better future location. He stated that he is not so sure that the current location is the best location for the Garden.

Commissioner Bower made a motion to defer until the issue of the location of the Botanical Garden is resolved; seconded by Commissioner Garcia for discussion.

Discussion continued.

Vice-Mayor Gross asked the Legal Department exactly what this is doing.

Murray Dubbin, City Attorney, stated that he can't state what, if any, urgency there is other than the County is waiting for the City to approve the plan. He stated that what the Administration is proposing and the Legal Department is supporting is a proposal which creates the flexibility to accomplish to keep the Garden Center where it is or move it. Or move the NWS, etc. This Plan simply creates a flexible situation for the City.

Jorge Gonzalez, City Manager, stated that the Plan does not need to be approved today. It can be referred to the Finance and Citywide Projects Committee or another Commission Workshop could be held.

Jorge Gonzalez, City Manager, stated that the deadline for Miami-Dade County to pledge the money for the baseball stadium is December 2003. If by that time, there is no agreement and the money has not been pledged, the money automatically reverts to the City. The County has six months after that day to pay the money to the City. This money, the \$50 million must be used for the Convention Center project. There is an additional \$15M for CDT eligible projects. The \$4.5 million per year that the City receives for the next forty (40) years is tied to CDT eligible projects. The Botanical Gardens may be eligible for CDT money. If the money becomes available, the Convention Center Needs Study indicated the need is for a multi-purpose room that could service all four halls.

Murray Dubbin, City Attorney, responded to some of the legal question raised by Mr. Frank Del Vecchio.

Commissioner Garcia withdrew his second to Commissioner Bower's motion.

Commissioner Bower stated that she cannot vote on this today. She stated that this should be referred to the Planning Board. Her concern in that the Botanical Garden is not located in the Plan and that everything fits together.

Lucia A. Dougherty Esq. (Greenberg Traurig) representing the NWS and Howard Herring, President / CEO of the New World Symphony (NWS), requested the City to renew its commitment to the New World Symphony's commitment to Miami Beach.

Commissioner Cruz stated that the Commission is not binding itself to anything. The major concern is to allow the NWS and the Botanical Garden to have the certainty to move forward with their plans.

Motion made by Vice-Mayor Gross to approve the plan with the additional requirements of maintaining the Botanical Garden in the present location, and to reaffirm the commitment of the New World Symphony; seconded by Commissioner Cruz; Voice-vote: 6-1; opposed by Commissioner Bower.

Handout or reference materials:

1. Notice of Ad in Miami Herald
2. Two (2) sets of petitions
3. Speakers List
4. Memorandum from Frank Del Vecchio to Mayor and Commissioners, dated June 19, 2002, RE: Summary: Resolutions may not be adopted without Planning Board recommendation as required by State Statute. The required review was not requested nor the recommendation provided.
5. Bound document titled "City Center Historic Convention Village Redevelopment and Revitalization area Plan" dated February 12, 1993 - adopted by the City Commission and RDA on February 12, 1993

End of RDA Agenda

Meeting adjourned at 7:00 p.m.